

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL SVINDLAND, et al. : CIVIL ACTION

v. :

THE NEMOURS FOUNDATION, :  
et al. : NO. 05-417

---

ROBERT DADDIO, et al. : CIVIL ACTION

v. :

THE A.I. DUPONT HOSPITAL FOR :  
CHILDREN OF THE NEMOURS :  
FOUNDATION, et al. : NO. 05-441

ORDER

AND NOW, this 18th day of May, 2009, upon consideration of the various evidentiary motions filed by the parties in the above-captioned cases, the oppositions and reply briefs filed by the parties and by the Children's Hospital of Philadelphia ("CHOP"), an interested third party, as well as the arguments presented by the parties and by CHOP at a hearing on said motions on March 11, 2009, and for the reasons stated in a memorandum of law bearing today's date, IT IS HEREBY ORDERED THAT:

1. The Svindland defendants' Motion in Limine to Preclude Mortality Data (C.A. No. 05-417, Docket No. 148) is GRANTED. The testimony and report of the plaintiffs' expert, Dr. Robert L. Hannan, do not meet the standard for admissibility under Daubert, and therefore may not be introduced at trial. The

plaintiffs may also not introduce any evidence or testimony at trial related to or referring to the morbidity and mortality rates of Dr. Norwood's patients, any patients treated at the A.I. duPont Hospital for Children, or any patients other than Ian Svindland, as explained in the Court's memorandum of law.

2. The defendants' Motions for a Protective Order in the Svindland and Daddio cases (C.A. No. 05-417, Docket No. 147; C.A. No. 05-441, Docket No. 130) are GRANTED. The plaintiffs' Motion to Compel in the Svindland case (C.A. No. 05-417, Docket No. 150) is DENIED. The plaintiffs may not enforce the subpoenas directed to CHOP and to Dr. James Goin to obtain raw data related to publications of studies done at CHOP.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.